

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty

This bill would require private company employees to distribute voter registration applications or face civil penalties. Because of personal belief, some individuals may not want to be involved in voter registration activities.

B. EFFECT OF PROPOSED CHANGES:

HB 125 CS enhances the opportunities of Florida residents to register to vote and keep their registration current. HB 125 CS requires commercial subagents of the FWCC that sell resident hunting, fishing, combination licenses or trapping permits to offer voter registration applications to persons who purchase a license or permit. Currently, there are 680 subagents that sell hunting, fishing or trapping licenses or permits in Florida. Of these, 174 are Wal-Mart stores.

County supervisors of elections would be responsible for sending the appropriate number of voter registration applications to the subagents. Supervisors would also be responsible for visiting the FWCC website and based upon a person's address, identifying persons to whom they are required to send a voter registration application. In the case where a zip code crosses a county boundary, the affected supervisors of both counties may send a voter registration application to someone requesting it through the FWCC website.

So long as FWCC subagents do not offer in any way to solicit or collect voter registration applications from an applicant, they will not be deemed a "third party voter registration organization" as provided in s. 97.027(36), F.S., or a "voter registration agency" as provided in s. 97.021(40)¹, F.S.

Two other states, Montana and Georgia, have recently considered similar legislation. In 2005, HB 712 was filed in Montana. The bill would have required any site where license fees were accepted to also provide voter registration applications, and would have exempted these sites from being considered voter registration agencies. HB 712 died in committee.

In Georgia, SB 541 was enacted and recently signed into law. The bill requires most places where fish and wildlife licenses are sold to also conduct voter registration. Georgia adopted an approach that is similar to Florida's approach with regard to voter registration at driver's licenses offices and motor voter. Under the new law, the additional information needed for voter registration is added to the fish and wildlife license application and if the person wants to register, this additional information is included. The information is then transmitted electronically or on the proper application to the Secretary of State on a daily basis. Persons selling licenses are considered deputy registrars and are subject to similar restrictions for political activity as voter registration agencies in Florida.

Except as otherwise provided therein, the bill is effective upon becoming a law.

C. SECTION DIRECTORY:

Section 1.

¹ Section 97.021(40), F.S., defines "voter registration agency" as "any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library."

- Requires supervisors of elections to supply voter registration applications to the FWCC.

Section 2.

- Requires places that sell hunting, fishing or trapping licenses or permits to make available voter registration applications.
- Clarifies that the FWCC and its subagents are not voter registration agencies or third-party registration organizations.

Section 3.

- Effective October 1, 2006.
- If a person indicates when buying a license that he or she would like a voter registration application, this information will be made available to the supervisor of elections who will then send a voter registration application to the person.
- The FWCC may meet its responsibility to provide voter registration applications by making registration information available to supervisors of elections on an internet website.
- Provides that the FWCC will include a link to a voter registration application on its website.

Section 4.

- Provides an effective date of upon becoming law except as otherwise expressly provided in the act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See fiscal comments below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local government revenues.

2. Expenditures:

The bill does not appear to have an impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There will be minimal impact on the subagents that must provide the voter registration applications and training on voter registration. The extent of this impact may only be the storage space needed to house voter registration forms.

D. FISCAL COMMENTS:

There would be little, if any, extra expense to the Department of State or supervisors, as they are currently responsible for reaching out to citizens to educate them on voting and elections, and to enhance voter registration opportunities.

The FWCC has expressed its willingness and demonstrated adequate resources to develop the website and other items needed to implement this bill within its current budget and staffing.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to take action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill creates no new rule making authority for any of the affected agencies. It may require the FWCC to use its current authority to write new rules for the seamless implementation of this bill, pursuant to s. 371.561(8), F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Ethics & Elections Committee adopted a strike-all amendment on January 25, 2006, which substantially modified the bill. The strike-all corrected many of the objections expressed by the Department of State and third parties regarding the bill as originally filed. This analysis reflects the changes incorporated in the committee substitute.